



WORKER RIGHTS COMPLAINT INSTRUCTIONS

Please tear off this page and keep for your records. The Department of Labor & Industries (L&I) investigates worker rights complaints for unpaid wages, overtime, prevailing wage, unlawful deductions, child labor, meal and rest periods, and other issues listed in Box 30 on the attached Worker Rights Complaint Report. An Industrial Relations Agent who works in the county where your employer is located will handle your complaint.

Fill in the form completely to provide L&I with the facts about your complaint. If necessary, use a separate sheet of paper.

If you move or change telephone numbers, you must give L&I your new address/telephone number: L&I must be able to contact you for more information or to give you information. If you do not keep L&I informed of your current address and phone number, this can delay L&I's investigation of your complaint or lead to a decision that your complaint is not valid.

Important note regarding wage complaints: L&I cannot guarantee collection of unpaid wages. You do not need to go through L&I to collect your wages. In general, employees have a private right of action to collect unpaid wages in court. You may want to talk to a private attorney to learn more about how this applies to you. L&I cannot act as your attorney. The insert inside this form, "Worker Notice of Responsibilities," tells you about your rights and responsibilities. Be sure to keep and read this notice.

Length of investigation: Generally, wage complaint investigations take 60 days to complete, unless this time is extended for good cause. Non-wage complaint investigations generally take 60 days to complete. Prevailing wage investigations generally take 180 days. Complicated investigations may take longer. L&I will contact you when we complete the investigation and make a decision regarding your complaint.

No confidentiality: To investigate your complaint, L&I will contact your employer. In most cases, L&I will tell your employer that you filed a complaint.

Please answer the following questions: If your complaint is about unpaid wages and you answer "yes" to any of the questions below, L&I cannot accept your wage complaint.

Yes	No	
<input type="checkbox"/>	<input type="checkbox"/>	Is your complaint against a person you are suing in court?
<input type="checkbox"/>	<input type="checkbox"/>	Is your complaint against a business in which you are a partner?
<input type="checkbox"/>	<input type="checkbox"/>	Are you self-employed?
<input type="checkbox"/>	<input type="checkbox"/>	Is your complaint for unpaid vacation or sick leave, holiday pay, severance pay, or expense reimbursement for expenses, including fuel?
<input type="checkbox"/>	<input type="checkbox"/>	Has your employer filed for bankruptcy? (If so, you should file a "Proof of Claim" with the United States Bankruptcy Court.)
<input type="checkbox"/>	<input type="checkbox"/>	Did you perform your work outside the state of Washington? (If so, you must file your complaint with the Department of Labor in the state where you worked.)
<input type="checkbox"/>	<input type="checkbox"/>	Are you a public employee seeking unpaid wages?

If you answered "yes" to any of the above questions, you may want to talk to a private attorney. You may be able to file suit for up to \$4,000 in small claims court in the county where the employer is located. For more information on Small Claims Court, please see www.courts.wa.gov/newsinfo/resources/brochure_scc/smallclaims.doc.

What information about my complaint should I give to L&I? L&I needs complete information about your hours and days worked and other information about your complaint.

- Fill in the attached wage complaint form completely.
- Give L&I records you have that show your complaint is correct, like copies of time records, calendars, or any record of what days and hours you worked and what tasks you did.
- Or, explain why you cannot provide these records.

Additional information regarding prevailing wages on public works:

- L&I cannot guarantee collection of prevailing wages.
- You have the right to file a private right of action in court to recover unpaid prevailing wages.
- Prevailing wage complaints must generally be filed with L&I within 30 days of the project's acceptance date by the public agency. Acceptance date means the date the agency formally accepts the project as completed.
- If L&I finds a violation of the Prevailing Wages on Public Works Act, RCW 39.12, L&I will attempt to resolve it with your employer. If L&I cannot resolve it, we may issue a Notice of Violation to the employer. The employer may appeal and receive a hearing. If this occurs, you have the right to request to intervene or to participate in the hearing.
- L&I's final order, whether favorable or not, will apply to all employees subject to the investigation.

Please mail or take completed complaints to the L&I service location below for the county in which the employer's business is located. Please note: The address on the complaint form for Olympia is for the Olympia area only. Mail the envelope to: Industrial Relations Agent, Department of Labor and Industries, and the appropriate Post Office or street address listed below. Be sure to include the ZIP plus 4 on your envelope.

Department of Labor and Industries Service Locations				
COUNTY	CITY	MAILING / LOCATION ADDRESS	PHONE # / FAX #	
Island San Juan Skagit Whatcom	MOUNT VERNON	525 East College Way, Suite H Mount Vernon, WA 98273-5500	(360) Fax #	416-3000 416-3030
	BELLINGHAM	1720 Ellis Street, Suite 200 Bellingham, WA 98225-4647	(360) Fax #	647-7300 647-7310
Snohomish	EVERETT	729 – 100 th Street S.E. Everett, WA 98208-3727	(425) Fax #	290-1300 290-1399
King	SEATTLE	315 – 5 th Avenue S., Suite 200 Seattle, WA 98104-2607	(206) Fax #	515-2800 515-2779
	BELLEVUE	616 – 120 th Avenue N.E., Suite C-201 Bellevue, WA 98005-3037	(425) Fax #	990-1400 990-1445
	TUKWILA	P. O. Box 69050, Seattle, WA 98168-1050	(206) Fax #	835-1000 835-1099
		12806 Gateway Drive, Tukwila, WA 98168-3346	(206) Fax #	835-1000 835-1099
Pierce	TACOMA	950 Broadway, Suite 200 Tacoma, WA 98402-4453	(253) Fax #	596-3945 596-3956
Clallam Jefferson Kitsap	BREMERTON	500 Pacific Avenue, Suite 400 Bremerton, WA 98337-1943	(360) Fax #	415-4000 415-4048
	PORT ANGELES	1605 East Front Street, Suite C Port Angeles, WA 98362-4628	(360) Fax #	417-2700 417-2733
Grays Harbor Lewis Mason Thurston Pacific*	OLYMPIA	P. O. Box 44510, Olympia, WA 98504-4510 7273 Linderson Way S.W., Tumwater, WA 98501	(360) Fax #	902-5313 902-5300
	ABERDEEN	P. O. Box 66, Aberdeen, WA 98520-0066 415 Wishkah Street, Suite 1-B, Aberdeen, WA 98520-0013	(360) Fax #	533-8200 533-8220
Clark Klickitat Skamania	VANCOUVER	312 S.E. Stonemill Drive, Suite 120 Vancouver, WA 98684-6982	(360) Fax #	896-2300 896-2345
Cowlitz Pacific* Wahkiakum	LONGVIEW	900 Ocean Beach Highway Longview, WA 98632-4013	(360) Fax #	575-6900 575-6918
Adams* Grant* <South of I-90> Kittitas Yakima	YAKIMA	15 West Yakima Avenue, Suite 100 Yakima, WA 98902-3480	(509) Fax #	454-3700 454-3710
Benton Columbia Franklin Walla Walla	KENNEWICK	4310 West 24 th Avenue Kennewick, WA 99338-1992	(509) Fax #	735-0100 735-0121
Chelan Douglas Grant* <North of I-90> Okanogan	EAST WENATCHEE	519 Grant Road East Wenatchee, WA 98802-5459	(509) Fax #	886-6500 886-6510
	MOSES LAKE	3001 West Broadway Avenue Moses Lake, WA 98837-2907	(509) Fax #	764-6900 764-6923
Adams*(S.E.) Asotin Ferry Garfield Lincoln Pend Oreille	SPOKANE	901 North Monroe Street, Suite 100 Spokane, WA 99201-2149	(509) Fax #	324-2600 324-2636
Spokane Stevens Whitman	COLVILLE	298 South Main, Suite 203 Colville, WA 99114-2416	(509) Fax #	684-7417 684-7416
	PULLMAN	P. O. Box 847, Pullman, WA 99163-0847 1250 Bishop Blvd. S.E., Suite G, Pullman WA 99163	(509) Fax #	334-5296 334-3417

Worker Notice of Responsibilities: Read and keep this notice if you are seeking unpaid wages under the Wage Payment Act, [RCW 49.48](#). This notice tells you about your rights and responsibilities.

- 1. What is the Wage Payment Act?** The Wage Payment Act allows L&I to investigate worker complaints that an employer violated specific wage payment laws. If L&I finds that you are owed wages, we will work with your employer to resolve your complaint. When necessary, L&I may issue a citation against your employer. If L&I finds your employer does not owe you wages, L&I will issue a determination of compliance stating that your employer did not violate the law.
- 2. What wage laws apply to Wage Payment Act complaints?** These laws include minimum wage, overtime, final paycheck, and laws against illegal paycheck deductions and the willful failure to pay wages.
- 3. When is a wage complaint due to L&I?** No later than two years and ten months after the pay day when the wages were not paid.
 - L&I can issue a citation for wages owed only in the last three years from the pay day the wages were due.
 - If your complaint for wages is more than two years and ten months old, L&I may not be able to finish the investigation within the three years permitted. L&I investigates these claims on a case-by-case basis.
 - The earlier you file a wage complaint, the better.
- 4. Do I need to go through L&I to get my wages?** No. You may hire a lawyer to help collect your wages in court, or you may go to small claims court for wage claims up to \$4,000. But if you ask L&I to help collect wages, you may have to choose between going to court or going through L&I. Also, if you file your own private lawsuit, you may receive money in addition to your wages. You may receive double wages if the court finds your employer “willfully” failed to pay wages owed to you. The court may also order the employer to pay your attorney fees if you win. You may want to talk to a private attorney to learn more about your rights and to learn about the due date to file a private lawsuit.
- 5. Does L&I represent me?** No. L&I cannot act as your attorney.
- 6. What can I receive through the L&I wage complaint process?** L&I cannot guarantee collection of unpaid wages. If L&I finds that your employer violated the law, L&I will try to collect the wages and interest owed. L&I cannot get double the unpaid wages for you under the Wage Payment Act, even if the failure to pay is willful.
- 7. If unable to resolve your complaint with your employer, L&I will inform you of its decision,** with either a:
 - “Citation and Notice of Assessment” requiring the employer to pay unpaid wages, plus interest at 1% per month, or
 - “Determination of Compliance” decision that your employer did not violate the law and does not owe you anything.
- 8. Do I have a deadline to notify L&I that I want to go to court instead?** Yes. If L&I issues a citation, the deadline is no later than 10 days after you receive the copy of the citation.
 - When L&I issues a citation for unpaid wages to the employer, you have **only 10 days** to decide if you want to give up your right to go to court by keeping your complaint with L&I.
 - To keep your right to go to court, you must write L&I within 10 days of your receipt of the citation and state that you want to end your complaint.
 - If you do not tell L&I to end your complaint in writing within those 10 days, you cannot file a private lawsuit later.
- 9. What if I do not agree with L&I’s decision?** You may appeal if you do not agree with L&I’s decision in either a determination of compliance or in a citation. L&I will tell how to appeal when you receive a decision. If you do not appeal a determination of compliance or a citation, it will become final. A final decision means you cannot later object to it. Your employer will have the right to rely on a final determination of compliance.
- 10. What happens if either my employer or I appeal the citation?** There will be an administrative appeal process. .
- 11. What if my employer pays the wages that are owed to me?** If you accept the employer’s check for the unpaid wages and interest that an L&I citation finds owed to you, you give up the right to object to L&I’s decision. You also may not bring suit against your employer for the same wage violation you made in your complaint.

Department of Labor & Industries
Employment Standards Program
PO Box 44510
Olympia WA 98504-4510
(360) 902-5316 or 1-866-219-7321

L&I date stamp

WORKER RIGHTS COMPLAINT

UBI

ESCH #

Company (Employer) Information

1. Name of business		6. Name of business owner, manager or supervisor	
2. Mailing address of business		7. Business phone # ()	8. Cell phone # ()
3. City	State ZIP	9. FAX # ()	10. When is your scheduled payday?
4. Address where work performed if not at main address		11. Type of business	
5. City	State ZIP	12. Has company filed for bankruptcy? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know	13. Is company still in business? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know

Worker's Information

14. Your name (last, first, middle initial) Mr. <input type="checkbox"/> Mrs. <input type="checkbox"/> Ms. <input type="checkbox"/>		20. Social Security Number	21. Home phone ()	22. Work phone ()
15. Home address		23. Date alleged violation occurred From / / To / /		24. Rate of pay \$
16. City	State ZIP	25. Were you under 18 when employed? <input type="checkbox"/> Yes <input type="checkbox"/> No		26. Date of birth, if under 18 when started work / /
17. email address (optional)		27. If under 18, was parent authorization form signed? <input type="checkbox"/> Yes <input type="checkbox"/> No		28. Was work performed in Washington? <input type="checkbox"/> Yes <input type="checkbox"/> No
18. Job title	19. Type of work you performed		29. List family relationship if related to employer	

30. **Type(s) of Complaint:** Check appropriate box(s). **Please note, if the complaint is wage related, provide any documents you have to support it. (see #38 below)**

- | | | |
|---|---|--|
| <input type="checkbox"/> Final wages not paid | <input type="checkbox"/> Unpaid prevailing wage (complete reverse side) | <input type="checkbox"/> Uniform charges |
| <input type="checkbox"/> Unpaid minimum wage | <input type="checkbox"/> Child labor laws | <input type="checkbox"/> Family care |
| <input type="checkbox"/> Unpaid overtime | <input type="checkbox"/> Meal periods | <input type="checkbox"/> Nurse overtime |
| <input type="checkbox"/> Unpaid hours worked | <input type="checkbox"/> Rest periods | <input type="checkbox"/> Other |
| <input type="checkbox"/> Unauthorized deductions | | |
| <input type="checkbox"/> Unpaid agreed wage | | |
| <input type="checkbox"/> NSF/bad check or credit card | | |

31. Please explain the complaint items checked above.

32. Estimate # of workers affected	33. If this is a wage complaint, did you ask the employer for your wages? <input type="checkbox"/> Yes <input type="checkbox"/> No		If yes, what date(s)? / / / /
34. Are you still working for this employer? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Fired <input type="checkbox"/> Quit <input type="checkbox"/> Laid off <input type="checkbox"/> Don't know		35. Date you started working for this employer / /	36. If no longer working for this employer, list last date worked / /
37. If no longer working for this employer, give the reason(s) for leaving			

38. Please provide as many of the following records as possible:

- | | |
|---|--|
| <input type="checkbox"/> Written wage agreement | <input type="checkbox"/> Attendance rosters |
| <input type="checkbox"/> Shift schedules | <input type="checkbox"/> Log books |
| <input type="checkbox"/> Personal time records | <input type="checkbox"/> Payroll check stubs |
| <input type="checkbox"/> Time card or copy | <input type="checkbox"/> Copies of bad checks |
| | <input type="checkbox"/> Employee hand book if available |

List other records you can provide.

Payroll check stubs and 'time records' such as personal calendars or any of the items to the left, **are required** for claims involving wages.

Wage Information**Worker Rights Complaint continued**

39. How often are you paid? <input type="checkbox"/> Monthly <input type="checkbox"/> Twice monthly <input type="checkbox"/> Every other week <input type="checkbox"/> Weekly <input type="checkbox"/> Daily			40. Do you have a written employment agreement? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, provide copy		
41. Are you represented by a union? <input type="checkbox"/> Yes <input type="checkbox"/> No		42. Excluding taxes, have you authorized any other deductions? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, what? If available provide copy of written authorization			
43. Were you paid straight time for overtime hours? <input type="checkbox"/> Yes <input type="checkbox"/> No		44. Are overtime hours on time cards? <input type="checkbox"/> Yes <input type="checkbox"/> No		45. Were overtime hours recorded by your employer by another method? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know	
46. Did you receive pay stubs? <input type="checkbox"/> Yes <input type="checkbox"/> No		47. Do you have your pay stubs? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, please provide copies		48. Do you have a record of payment other than pay stubs? <input type="checkbox"/> Yes <input type="checkbox"/> No	
49. When is/was the scheduled payday for these wages?			50. Do you have any outstanding loans/advances owing to the business? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, indicate amount owed. \$		
51. Do you have any property belonging to the business? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, list:			52. Do you have an attorney who is working to collect the wages for you? <input type="checkbox"/> Yes <input type="checkbox"/> No		

Wages Owed (Documentation required)

53. Rate of pay \$ per <input type="checkbox"/> Hour <input type="checkbox"/> Day <input type="checkbox"/> Week <input type="checkbox"/> Month				54. Other rate of pay. Piece rate <input type="checkbox"/> Commission <input type="checkbox"/> Sq ft <input type="checkbox"/> Flat rate <input type="checkbox"/> Other (specify) <input type="checkbox"/>					
55. From		To		56. How many hours due?		57. Partial payment received		58. What pay is due you before taxes? \$	
59. Reason employer gave for refusing to resolve your complaint or payment of wages									

Prevailing Wage & Project Information Complete this section to report possible violations of the Prevailing Wage Law.

Prevailing wage investigations generally take 180 days. Complex complaints may take longer.

60. Project name		61. Awarding agency (public entity for whom work is being performed)	
62. Name of general contractor (prime contractor)		63. Location where you worked	
64. Contractor's phone number ()		65. Job classification (type of work performed)	
66. Hourly rate paid. \$		67. Prevailing wage rate required (if known) \$	
68. First date you worked on project		69. Was an 'Intent to Pay Prevailing Wage' form posted on the job site? <input type="checkbox"/> Yes <input type="checkbox"/> No	
70. Is project completed? <input type="checkbox"/> Yes <input type="checkbox"/> No		71. Project completion date / /	
72. Place a checkmark in the boxes) below for any benefits provided by the employer <input type="checkbox"/> Medical <input type="checkbox"/> Dental <input type="checkbox"/> Vacation <input type="checkbox"/> Pension <input type="checkbox"/> Holidays <input type="checkbox"/> Other			
73. If "other" is checked in the previous question, please explain other benefit(s)			

Your Contact Person Information and Signature

74. Please provide information of a contact person not living with you who will always know how to reach you. This is necessary in the event we cannot locate you.	
Name Phone number	
Address	
City State ZIP	
To the best of my knowledge, the information I have entered on this form is true and accurate.	
75. Date	76. Signature